



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,971	03/19/2001	Warren Edward Baxley	199-0242US	9998

7590

10/20/2005

TERRIL G. LEWIS
WONG CABELLO, LLP
20333 S.H. 249
SUITE 600
HOUSTON, TX 77070

EXAMINER

LIN, WEN TAI

ART UNIT

PAPER NUMBER

2154

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/812,971

Applicant(s)

BAXLEY ET AL.

Examiner

Wen-Tai Lin

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-24 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 9, 11-18 and 20-23 is/are allowed.
6) ☒ Claim(s) 1-4, 6 and 19 is/are rejected.
7) ☒ Claim(s) 5, 7-8 and 24 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-9 and 11-24 are presented for examination. Claim 10 has been canceled and claim 24 is newly added.
2. Claims 9, 11-18 and 20-23 are allowable (see reasons for allowance in the previous office action).
3. The text of those sections of Title 35, USC code not included in this action can be found in the prior Office Action.

Claim Rejections - 35 USC § 103

4. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biggs et al.(hereafter "Biggs") [U.S. Pat. No. 5625407], as applied to claim 9 above, further in view of Official Notice.
5. As to claim 1, Biggs teaches the invention substantially as claimed including: a method for allocating MCU ports for a multipoint network event, said method comprising:

receiving an allocation request for the multipoint network event, said request comprises a the maximum number of MCU ports for the multipoint network event [col.1, lines 17-29; col.3, lines 29-37; 700, Fig.7; col.16, lines 1-19; note that the multimedia server (MMS) is in charge of resource reservation, wherein the resource includes MCU as described at col.1, lines 17-29; col.3, lines 29-37 and col.5, lines 33-38]; and

determining electronically the number of MCU ports to allocate at the start of the multipoint network event, wherein said determination involves calculation comprising said maximum number of MCU ports [col.5, lines 33-38; col.20, lines 1-6; Figs. 8A-8B; i.e., the MCU ports allocation for the start of a conference is based on the actual number of users at the start of the event, wherein the "calculation" include looking into database to find out the availability of the required resources (against previous reservation) for the event].

Biggs did not specifically teach that the start MCU resources allocation number is less than or equal in value to the maximum MCU ports number.

However, Official Notice is taken that it is a well-known practice not to assign resource amount more than what is being requested. Therefore, it is obvious to maintain such a practice in Biggs's system because an over-booked system tends to spend additional time resolving resource conflicts and would thus substantially degrade the system performance and efficiency.

6. As to claim 2, Biggs further taught that the step of receiving the allocation request is transmitted through the plurality of MCUs [col.5, lines 33-38].

7. As to claim 3, Biggs further teaches that the step of receiving the allocation request is transmitted through a common channel signaling interface [e.g., 108 Fig.1 is a common channel signaling interface wherein requests coming from endpoints 104, 106 or 165 have to pass through 108 before reaching the MMS (102, Fig.1)].

8. As to claim 4, Biggs further teaches that the step of receiving the allocation request originates as an external allocation request [col.3, lines 3-37].

9. Claims 6 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biggs et al. (hereafter "Biggs") [U.S. Pat. No. 5625407], as applied to claims 1-4, 9 and 11-13 above, further in view of Yang et al. (hereafter "Yang") [U.S. Pat. No. 6192243].

10. As to claim 6, Biggs teaches the invention substantially as claimed including: a method for dynamical allocation of MCU resources during a multipoint network event [page 5, lines 24-26], said method comprising the steps of:

determining the number of MCU resources to allocate for the start of the multipoint network event [page 6, line 36 - page 7, line 13].

Biggs does not specifically teach a method for time varying allocation of MCU resources during a multipoint network event, wherein at each of a plurality of modeling intervals during the multipoint network event, dynamically adjusting the number of allocated MCU resources based on users actually in the multipoint network event and

based on a statistical algorithm using probability values related to future or historical use of MCU ports, wherein the probability values are dynamically adjusted.

However, Yang taught a method of adjusting the number of allocated resources as a time-varying event based on a plurality of modeling intervals [col.3, lines 35-55; col.8, line 41 - col.9, line 24]. Yang further taught using probability values, based on a statistic algorithm, and dynamically updating the probability values based on the historical use of resources [e.g., the blocking probabilities are based on statistic algorithm disclosed in Equations (1) and (2) at col.5, wherein both the probability value at time interval k is updated based on the measured usage of resources (in terms of collected traffic amount) – see also col.3, lines 35-55].

It would have been obvious to combine the teachings of Biggs and Yang, because Yang's time-varying modeling based on pre-selected time intervals would make Biggs' resource allocation method dynamically reflecting the true usage of resources for the entire event. Further, it would have been obvious that Yang's statistic model is an abstraction for any communication resource and thus may also be applied to describe/predict the resource usage in Biggs' MCU ports because Biggs also has to deal with dynamic resource allocation and de-allocation issues [Biggs: col.20, lines 1-6] and, with proper modeling, the de-allocated resources from one conference may be immediately available for another progressive conference, rather than waiting until the entire conference is completed.

11. As to claim 19, since the features of these claims can also be found in claims 6 and 9, they are rejected for the same reasons set forth in the rejection of claims 6 and 9 above.

12. Claims 5, 7-8 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if overcome the rejection/objection stated at paragraphs 3-4 and rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. Applicant's arguments with respect to claims 1-4, 6 and 19 on 7/26/2005 have been considered but they are not deemed to be persuasive.

14. Specifically, Applicant argues Biggs does not teach allocation of MCU ports and the Official Notice (based on the provided evidentiary documents in the previous office action) is not related to allocation of MCU ports either.

15. The examiner respectfully disagrees because Biggs clearly indicate that the allocated resource (via MMS) include MCU ports [see e.g., col.1, lines 17-29 and col.5, lines 33-38]. For at this reason, it is submitted that the prior art of Biggs, together with the Official Notice and/or Yang read on claims 1-4, 6 and 19.

16. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

17. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Examiner note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the contest of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Tai Lin whose telephone number is (571)272-3969. The examiner can normally be reached on Monday-Friday (8:00-5:00) .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571)272-3964. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:


(703)872-9306 for official communications; and

(571)273-3969 for status inquires draft communication.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wen-Tai Lin

October 14, 2005


10/15/05